

SENATE BILL 505

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SB 619/02 - EHE

2003 Regular Session
3lr0974
CF 3lr2374

By: **Senators Harris and Mooney**
Introduced and read first time: January 31, 2003
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 19, 2003

CHAPTER _____

1 AN ACT concerning

2 **Militia - State Employees - Members of the Maryland National Guard -**
3 **Leave of Absence for Public Employees Provisions**

4 FOR the purpose of ~~providing that certain members of the organized militia who are~~
5 ~~ordered to active duty with the consent of the Governor are entitled to a leave of~~
6 ~~absence from their duties without loss of pay, time, or efficiency rating for the~~
7 ~~time while actually serving under the active duty order; providing for the~~
8 ~~application of this Act; and generally relating to leave of absence for public~~
9 ~~employees who are members of the organized militia authorizing the Secretary~~
10 ~~of Budget and Management to grant certain leave from the State Employees'~~
11 ~~Leave Bank to a certain State employee who is a member of the Maryland~~
12 ~~National Guard and has been ordered into active military service on or after a~~
13 ~~certain date; establishing a certain limitation on the amount of leave a member~~
14 ~~of the Maryland National Guard may receive; extending to a certain date the~~
15 ~~termination of certain provisions authorizing the grant of certain leave from the~~
16 ~~State Employees' Leave Bank to certain employees; and generally relating to~~
17 ~~leave for State employees.~~

18 ~~BY repealing and reenacting, with amendments,~~
19 ~~Article - Public Safety~~
20 ~~Section 13-707~~
21 ~~Annotated Code of Maryland~~
22 ~~(As enacted by Chapter ____ (S.B. 1) of the Acts of the General Assembly of 2003)~~

23 BY repealing and reenacting, without amendments,
24 Article - State Personnel and Pensions
25 Section 9-603(c)

1 Annotated Code of Maryland
2 (1997 Replacement Volume and 2002 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article - State Personnel and Pensions
5 Section 9-608
6 Annotated Code of Maryland
7 (1997 Replacement Volume and 2002 Supplement)

8 BY repealing and reenacting, with amendments,
9 Chapter 285 of the Acts of the General Assembly of 2002
10 Section 4

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article – Public Safety**

14 ~~13-707.~~

15 (a) ~~An officer or employee of the State, a county, or other political subdivision~~
16 ~~of the State who is a member of the organized militia is entitled to a leave of absence~~
17 ~~from duties, without loss of pay, time, or efficiency rating:~~

18 (1) ~~on each day engaged in field or coast defense or other training~~
19 ~~ordered or authorized under this title; or~~

20 (2) ~~under any law of the United States while on inactive duty training,~~
21 ~~not to exceed 15 days annually.~~

22 (b) ~~In addition to the 15-day period specified in subsection (a) of this section,~~
23 ~~a member of the organized militia who is ordered to State active duty under authority~~
24 ~~OR WITH THE CONSENT of the Governor is entitled to leave of absence without loss of~~
25 ~~pay, time, or efficiency rating while actually serving under the State active duty~~
26 ~~orders.~~

27 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be~~
28 ~~construed to apply retroactively and shall be applied to and interpreted to affect any~~
29 ~~member of the organized militia subject to this Act who is ordered to active duty with~~
30 ~~the consent of the Governor on or after September 11, 2001.~~

31 **Article - State Personnel and Pensions**

32 9-603.

33 (c) The Secretary may grant leave from the State Employees' Leave Bank to
34 an employee who:

1 (1) (i) has exhausted all forms of annual, personal, sick, and
 2 compensatory leave because of a serious and prolonged medical condition;

3 (ii) provides a certificate of illness or disability; and

4 (iii) 1. is a member of the State Employees' Leave Bank; or

5 2. is granted an exemption by the Secretary from the
 6 membership requirement for good cause; or

7 (2) is eligible to receive leave under § 9-608 of this subtitle.

8 9-608.

9 (a) This section applies to an employee, except a temporary employee, in the
 10 State Personnel Management System or an independent personnel system who:

11 (1) is A MEMBER OF THE MARYLAND NATIONAL GUARD AND HAS BEEN
 12 ordered into active military service on or after September 11, 2001;

13 (2) has exhausted all paid leave; and

14 (3) is on leave without pay.

15 (b) (1) [An employee] A MEMBER OF THE MARYLAND NATIONAL GUARD
 16 subject to this section who has been ordered into active military service before July 1,
 17 2002 may receive leave from the Leave Bank beginning on the later of the day the
 18 [employee] MEMBER began leave without pay or January 1, 2002.

19 (2) [An employee] A MEMBER OF THE MARYLAND NATIONAL GUARD
 20 subject to this section who has been ordered into active military service on or after
 21 July 1, 2002 may receive leave from the Leave Bank beginning on the day the
 22 [employee] MEMBER begins leave without pay if, before being ordered into active
 23 military service, the [employee] MEMBER voluntarily donates at least 8 hours of
 24 annual or personal leave to the Leave Bank in accordance with this subtitle.

25 (c) [An employee] A MEMBER OF THE MARYLAND NATIONAL GUARD subject
 26 to this section may receive only annual or personal leave that is:

27 (1) placed in the Leave Bank as a result of forfeiture under § 9-307 or §
 28 9-403 of this title; AND

29 (2) IN AN AMOUNT SUFFICIENT TO COMPENSATE THE MEMBER, DURING
 30 EACH PAY PERIOD FOR WHICH THE MEMBER IS ELIGIBLE TO RECEIVE LEAVE UNDER
 31 THIS SECTION, FOR THE DIFFERENCE BETWEEN THE MEMBER'S ACTIVE DUTY BASE
 32 SALARY PAID BY THE FEDERAL GOVERNMENT AND THE MEMBER'S STATE BASE
 33 SALARY OR DIRECT WAGES.

1

Chapter 285 of the Acts of 2002

2 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 July 1, 2002. Section 1 of this Act shall remain in effect for a period of [1 year and 6
4 months] 2 YEARS and, at the end of [December 31, 2003] JUNE 30, 2004, with no
5 further action required by the General Assembly, Section 1 of this Act shall be
6 abrogated and of no further force and effect.

7 ~~SECTION 3.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take
8 effect ~~October~~ July 1, 2003.